

STATE OF NEW HAMPSHIRE  
WATER COUNCIL

Docket No. 03-10-WC

RECEIVED

Appeal of the Conservation Law Foundation  
In Re: Water Quality Certificate No. 2003-001

MAY 10 2005

**ASSENTED-TO MOTION TO LIFT STAY AND  
SCHEDULE PRE-HEARING CONFERENCE**

NOW COMES the Conservation Law Foundation and respectfully states:

1. The above-captioned appeal challenges a Section 401 water quality certification granted by the Department of Environmental Services for the proposed construction and operation of a residential development project in Greenland. The appeal has been stayed pending the resolution of matters relating to the issuance of a state wetlands permit for the proposed project.
2. Although the above-referenced wetlands-related matters have not yet been resolved (an appeal is currently pending in Rockingham County Superior Court), the parties agree that the lifting of the stay of this appeal makes sense at this time.
3. Consistent with prior representations to the Water Council, the parties also agree that a prehearing conference should be scheduled for this matter, to address pre-hearing issues in an effort to enhance the efficiency of this appeal.
4. Counsel for the Department of Environmental Services and Endicott General Partnership assent to this motion.

WHEREFORE, the Conservation Law Foundation respectfully requests that the Water Council:

- A. Lift the stay of this appeal; and
- B. Schedule a pre-hearing conference.

Respectfully submitted,

Conservation Law Foundation

  
by: Thomas J. LawwinConservation Law Foundation  
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(603) 225-3060

CERTIFICATE OF SERVICE

A copy of this motion has this day been forwarded via facsimile, and via U.S. Mail, to Jennifer J. Patterson, Esq., and Malcolm R. McNeill, Jr., Esq.

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James P. Irwin